

HMS  
Hillary Adams, Ph.D.  
1391 Cameron Road  
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November 20, 2000

Mr. Harry Schueller, Chief  
State Water Resources Control Board  
Division of Water Rights  
P. O. Box 2000  
Sacramento, CA. 95812-2000

VIA FAX: (916)-657-1485 and  
certified mail with encl.

Dear Mr. Schueller:

Thank you for your faxed letter dated November 17th apologizing for not notifying me of the workshop on Process which will occur on November 27th in Sacramento, with a deadline of November 20th for comments. You state that I was not notified because my name was not on your official list. This puzzles me since for the past nine years I have been receiving notification of all applications on the Navarro Watershed. Moreover, my name appears on a Navarro River Watershed Interested Parties list which I have in my possession dated Thursday, January 27, 2000 (see enclosure). In recent months, however, I have not received such notices. I trace this change to the filing of the litigation with the Sierra Club, and California Sportsfishing Protection Assoc. and the Navarro Watershed Protection Assn. (NWP) against SWRCB. For the past several months, I have not been noticed either of the applications on the Navarro or of anything else that is occurring in relation to the Navarro watershed, such as workshops and change petitions. This in spite of the fact that in the protests submitted by NWP and in recent field investigations I have referred to myself personally as a protestant. Recently I asked Laura Vasquez to continue to notice me separately concerning Navarro Applications, since I am a separate protestant. However, in order to make certain there is no further confusion about this issue, I am sending to you under separate cover a letter formally requesting the return of my name as an individual to the official list for applications and all other notices concerning the Navarro watershed in Mendocino County.

You did not respond in your letter of November 17th to the fact that your division also failed to notice the Navarro Watershed Protection Assn., (NWP) concerning the November 27th workshop on process. This is also puzzling since the letter advising you of the omission of both NWP and myself from the notice for this workshop was sent on NWP letterhead. NWP requested placement on the official list for notification on July 19, 1999 and has been regularly noticed of both applications, change petitions and workshops until now. Moreover, NWP wrote a letter to you dated April 17, another dated May 20, and a third dated May 30, 2000

concerning issues of process on the Navarro Watershed. I am certain they will bring some of those issues to your attention once again in their comments for the process workshop. These facts alone suggest that there is need to improve the public process as well as issues of public trust by SWRCB/DWR.

I was not notified of this workshop in time to arrange to come to Sacramento, However, I concur with and support the comments of the Navarro Watershed Protection Assn. (NWP) and the California Sportsfishing Protection Alliance (CSPA) and place them in this record by reference. In addition I wish to add the following comments.

**1) Notification:** I notice that there are people on the January 24, 2000 list of Interested Parties, Navarro Watershed whom NGCA asked to remove ( Gates, Toth) and others who have not responded to notices for a number of years because they have asked organizations such as NGCA and NWP to act for them( Collins, Seibert). On the other hand, NWP, which requested being on the list in July of 1999, does not appear to be there, even though they have received applications notices.

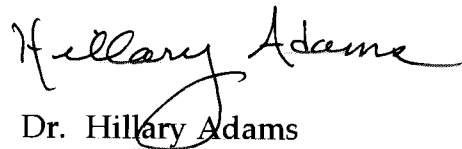
**2) Field Investigations:** The NWP and I complained to our elected representatives concerning the erratic and uncomfortable treatment during several of this year's field investigation (i.e.,lack of rest rooms, inadequate time for lunch, no water available on very hot days, having difficulty in getting a comment period and then having stand during comment periods of an hour in length). A representative attended one of the field investigations, during which the public was treated with courtesy and water was provided. However, within a short time this had once again deteriorated so that during one of the last field investigations (Boltz, # 30721) we again had to stand for both the introductory and closing comment period, and were without water. For those of us without our own vehicles this was very hard. As a consequence, I was unable to attend the field investigation on the following day because of exhaustion. I was, however, able to turn in comments.

**3) Complaint Process (compliance and enforcement):** Having now been through the complaint process several times, I wish to reinforce NWP's comments concerning the poor response time and lack of interest shown by the DWR. When I called to follow up on the Duckhorn complaint for NWP, which involved trucking of water between watersheds, I was told it would be several months before the complaints department could respond! The applicants were notified of the complaint but there was to be no follow up. I spoke with the Complaints department staff, the head of that unit and Mr. Schueller. Each said exactly the same thing: "insufficient staff," need to prove immediate "harm to fish," and there was no chance of their looking into the complaint in the field for several months. The complaint was made in August. The response was to be in late October. They accepted Duckhorn's word that they were getting water from a well, not from Indian

Creek, but that DWR could test the well to see if it were producing. When I protested to staff that late October be too late, since the rain would have begun, I was simply told that was the way it would be. It was only because it was discovered that Duckhorn had been out of compliance for two years on issues related to Indian Creek that a staff member was dispatched. However, the well was not tested for its water capacity, even though the well records did not give this figure. Duckhorn had removed the pump from the pipe he had been using in Indian Creek, but this was apparently because his co-licensee, John Dash, had taken a lawsuit against him, not because of any action on the part of DWR staff. This is unacceptable.

**3) Amount of water allowed:** according to vineyard owners in Anderson Valley, the amount they use for established vineyards including frost protection is 1/2 afa per acre or less. Yet the DWR allows 2 afa per acre, basing this on worst frost conditions in Napa Valley. The standard should be flexible depending upon the actual situation in the various wine-growing areas. Similarly, methodologies for fisheries protection must be adjustable to the various situations, since each watershed is unique.

Sincerely,

A handwritten signature in cursive script that reads "Hillary Adams". The signature is written in dark ink and is positioned above the printed name.

Dr. Hillary Adams